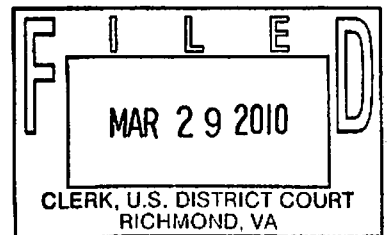


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



STEFON M. GEORGE,

Petitioner,

v.

Civil Action No. 3:09CV801

DARNLEY HODGE,

Respondent.

MEMORANDUM OPINION

On December 17, 2009, the Court received a petition for a writ of habeas corpus for Stephon M. George. The petition for a writ of habeas corpus, however, was signed by Mr. George's mother rather than by Mr. George. There was no showing that Mr. George was incapable of litigating the habeas action on his own behalf. See Brewer v. United States, No. Civ.A. 1:05CV2, 2005 WL 3536069, at *3 (N.D. W. Va. Dec. 23, 2005) (citing Whitmore v. Arkansas, 495 U.S. 149, 163-64 (1990)). The Court previously had informed Mr. George's mother that she may not sign documents for Mr. George. See Mem. Order George v. Kriebel, No. 3:09cv00693 (E.D. Va. Dec. 8, 2009). Accordingly, by Memorandum Order entered on January 13, 2010, the Court informed Mr. George that unless the Court receives a copy of the petition for a writ of habeas corpus that bears an original signature from Mr. George, the Court would dismiss the action without prejudice.

More than sixty (60) days have elapsed since the entry of the January 13, 2010 Memorandum Order and Mr. George has not complied

with the terms of that Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. A certificate of appealability will be DENIED.

An appropriate Order shall issue.

Date: March 22, 2010
Richmond, Virginia

/s/ REP
Robert E. Payne
Senior United States District Judge